

HOUSE BILL 3464
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 59; Title 49, Chapter 50 and Title 65, Chapter 4, and various other provisions of Tennessee Code Annotated, relative to broadcast of public proceedings of state government.

WHEREAS, all citizens would benefit immensely from expanded, unedited broadcast of the public proceedings and deliberations of the legislative, executive, and judicial branches of state government in Tennessee; and

WHEREAS, the de facto obscurity and inaccessibility of proceedings relating to policy formulation, policy implementation, and judicial interpretation, all contribute to diminished public faith in the effectiveness and efficiency of state government; and

WHEREAS, direct public observation and increased awareness of such proceedings, deliberations, and decisions would undoubtedly enhance and strengthen the democratic process in Tennessee, would foster increased interest and participation in the electoral process, and would provide invaluable educational opportunities and informational services; and

WHEREAS, in this era of increasing threats to the national security, all citizens also need and deserve reliable and immediate access to emergency announcements and information promulgated by the Tennessee office of homeland security, the Tennessee emergency management agency, and other related state agencies; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 59, is amended by adding the following language as a new part:

§ 7-59-301. The title of this act is, and may be cited as the “T-Span Act of 2004”.

§ 7-59-302. As used in this act, unless the context otherwise requires:

(1) “Coverage of state government proceedings” means live or same-day unedited coverage of:

- (A) Floor sessions of the general assembly;
- (B) Legislative committee meetings or public hearings;
- (C) Press conferences held by any official of the executive branch or legislative branch;
- (D) Public proceedings of the Tennessee supreme court, the court of appeals, or the court of criminal appeals;
- (E) Administrative rule making hearings, conducted pursuant to the Uniform Administrative Procedures Act;
- (F) Contested case hearings, conducted pursuant to the Uniform Administrative Procedures Act;
- (G) Public conferences and events addressing state-related issues; or
- (H) Information disseminated by the Tennessee office of homeland security, the Tennessee emergency management agency, or other related agencies.

(2) "Municipality" means any city, town, county, metropolitan government, or other political subdivision of state government, authorized to regulate, through issuance of franchise licenses and agreements, the operation of any cable television company which serves customers within its territorial limits or service area.

§ 7-59-303.

(a) Subject to applicable federal laws and regulations, on or after July 1, 2004, as a requisite for initially issuing any cable television franchise license, and as a requisite for negotiating any initial franchise agreement, contract, certificate, permit, or other municipal authorization necessary for construction or operation of the cable television system, a municipality shall require the cable company to provide coverage of state government proceedings on at least one cable channel or network in accordance with the provisions of subsection (c), provided the cable television system will have thirteen (13) or more usable activated channels.

(b) Subject to applicable federal laws and regulations, on or after July 1, 2004, as a requisite for renewing, extending, or reissuing any existing cable television franchise license, and as a requisite for renewing, extending, or renegotiating any existing cable television franchise agreement, contract, certificate, permit, or other municipal authorization necessary for construction or operation of the cable television system, a municipality shall require the cable company to provide coverage of state government proceedings on at least one (1) cable channel or network in accordance with the provisions of subsection (c), provided the cable television system has thirteen (13) or more usable activated channels.

(c) A cable television company may satisfy contractual requirements imposed pursuant to subsection (a) or (b) by making available on the cable television system at least one channel or network primarily dedicated to coverage of state government proceedings. The channel or network may cover other proceedings only if coverage of state government proceedings does not fill the daily programming hours of the channel or network.

§ 7-59-304. The provisions of this part shall not be construed to impair or restrict the power of a municipality to negotiate for any other channel or service, including local public, educational, and governmental access channels or networks, in accordance with federal and state law.

§ 7-59-305. Any municipality operating a cable television system shall comply with the programming requirements set forth in this part for cable television companies and shall add any appropriate channel or network necessary to achieve the requirements.

SECTION 2. The provisions of this act shall not be implemented in any manner that violates the provisions of Article XI, Section 2 of the Constitution of the State of Tennessee.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.